

SEP 22 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBB HARKSEN,)
Plaintiff,) Civil Action No. 7:04-cv-00244
)
v.)
) ORDER
)
OFFICER MULLINS, JR., et al.,)
Defendants.) By: Hon. James C. Turk
) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Paragraph 1 of the court's order entered November 24, 2005, (Dkt. No. 8) is hereby amended to substitute "28 U.S.C. § 1915A(b)(1)" in place of "28 U.S.C. § 1915(e)(2)";¹
2. The pending motion to dismiss and motions for summary judgment are hereby **GRANTED** as to all claims against the following defendants: Garey Mullins, Jr., Dr. Damron, Dr. P. Williams, Dr. P. Greene, Dr. A. Edelman, Fred Schilling, Prison Health Services (PHS), Jeff Mullins, Officer Vanover, Major Fleming, and D. A. Braxton;²
3. The motion for summary judgment filed on behalf of Defendants Fleenor and Steele is hereby **DENIED** as to Claim F, to the extent that it alleges use of excessive force by Officer Fleenor on March 7, 2002, at Red Onion State Prison, and deliberate indifference

¹The court's order of November 24, 2005, indicates that these claims were dismissed pursuant to 28 U.S.C. § 1915(e)(2) rather than § 1915A(b)(1) as cited in the memorandum opinion; accordingly, the court will amend the November 24, 2005, order to match the opinion.

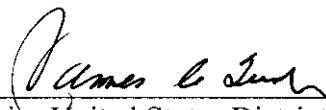
²This order terminates all claims against these defendants and they are no longer parties to the action. The order also terminates the following motions: Docket Numbers 20, 25, 26, 31, 32, 39, 51, 60, 87, 93, and 101.

by Officer Steele to a known risk of harm from the alleged assault by Fleenor; and

4. The clerk **SHALL** set the case for trial at the court's earliest convenience before a seven-member jury in the United States Courthouse in Big Stone Gap, Virginia.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendants.

ENTER: This 22nd day of September, 2005.



Senior United States District Judge